

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMY LEWIS THOMAS,

Plaintiff,

Case No. 1:08cv497

v.

Hon. Robert J. Jonker

PATRICIA CARUSO, et al.,

Defendants.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on August 28, 2008 . No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed August 28, 2008, is approved and adopted as the opinion of the court.

IT IS ORDERED that plaintiff's complaint is **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2), for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997)

/s/Robert J. Jonker

ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: October 24, 2008